# EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

# DOCKET NO.: 2008-1127-PWS-E TCEQ ID: RN101278190, RN101278018 CASE NO.: 36172 RESPONDENT NAME: RICHARD SULLIVAN DBA COUNTRY VIEW MOBILE HOME PARK AND RICHARD SULLIVAN DBA VALLEY ESTATES

ORDER TYPE:		
_1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
X FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
X_PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
1") and 7400 North Venita Ave., Shallowater TYPE OF OPERATION: Public water sup SMALL BUSINESS: X Yes OTHER SIGNIFICANT MATTERS: Ther facility location.  INTERESTED PARTIES: No one other that COMMENTS RECEIVED: The Texas Reg CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Laurencia F Ms. Lena Rober TCEQ Enforcement Coordinator: TCEQ Regional Contact: Mr. Pat	ply facilities	onal pending enforcement actions regarding this a interest in this matter.  No comments were received.  222-8914 9 ection, MC 169, (512) 239-5132 206) 796-7092
Unit 23, Shallowater, Texas 79363 Respondent's Attorney: Not repres	sented by counsel on this enforcement matter.	

**DOCKET NO.: 2008-1127-PWS-E** 

### **VIOLATION SUMMARY CHART:**

# VIOLATION INFORMATION Type of Investigation: \_\_ Complaint \_\_ Routine \_\_ Enforcement Follow-up \_\_ X\_ Records Review Date of Complaint Relating to this Case: N/A

Dates of Investigation Relating to this Case: February 18, 2008 and July 9, 2008

**Date of NOE Relating to this Case:** May 29, 2008

### Background Facts:

The EDPRP was filed on December 11, 2008 and mailed to the Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," the Respondent received notice of the EDPRP on December 15, 2008, as evidenced by the signature on the card. The Respondent failed to answer the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

### **Current Compliance Status:**

Not yet in compliance. The Respondent owes \$419.32 in past due fees.

# PWS:

- 1. At Facility No. 1 and Facility No. 2, failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year [30 Tex. ADMIN. CODE §§ 290.271(b), 290.274(a) and (c)].
- 2. Failed to pay all annual and late Public Health Service fees for TCEQ Financial Administration Account Nos. 91520247 and 91520198 for Fiscal Year 2008 to the TCEQ in a timely manner [30 Tex. ADMIN. CODE § 290.51(a)(6)].

### PENALTY CONSIDERATIONS

Total Assessed: \$1,475

Total Deferred: \$0 \_\_\_\_ Expedited Order

Financial Inability to Pay

SEP Conditional Offset

**Total Due to General Revenue:** \$1,475

This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this Order.

Site Compliance History Classification N/A

Person Compliance History Classification  $N/\Delta$ 

Major Source: Yes X No

Applicable Penalty Policy: September 1, 2002

# CORRECTIVE ACTIONS REQUIRED

# Ordering Provisions:

The Respondent shall undertake the following technical requirements:

- 1. Within 30 days:
- a. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2007 to each bill paying customer of Facility No. 1 and Facility No. 2, and make a good faith effort to deliver to non-bill paying consumers of Facility No. 1 and Facility No. 2.
- b. Pay all outstanding fees, including any associated penalties and interest, for Financial Administration Account Nos. 91520247 and 91520198.
- 2. Within 45 days, submit a copy of the CCR provided to customers of the water systems and the certification that the CCR has been distributed to the customers of the water systems and that the information in the CCR is correct and consistent with the compliance monitoring data.
- 3. Within 60 days, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.

The same of the sa		alty Calculati	on Worksheet (F	= -	
Policy Revision 2 (Sep	tember 2002)			PCW Revis	ion June 12, 2008
DATES Assigned		reening 9-Jul-2008	B EPA Due 1-Jun-2005		
RESPONDENT/FACILITY	INFORMATION				
		a Country View Mobile	e Home Park		
Reg. Ent. Ref. No. Facility/Site Region			Major/Minor Source	elMinor	
7 dointy/Oite (tegion					
CASE INFORMATION Enf./Case ID No.	06170		No. of Violations	-12	
	2008-1127-PWS-E		Order Type		1.00
	Public Water Suppl	y	Government/Non-Profi	t No	
Multi-Media				Christopher Keffer	
Admin. Penalty \$	imit Minimum	\$50 Maximum	\$1,000 EU'S Team	Enforcement Team 2	<u></u>
Admin, I charty V		<u> </u>	<u> </u>		
		Penalty Calcu	lation Section		
TOTAL BASE PENAL	TY (Sum of vio	ation base penal	ties)	Subtotal 1	\$400
en na en					TV BEECE GERRY
ADJUSTMENTS (+/-)	IO SUBTOTAL	1 al Base Penalty (Subtotal 1	) by the indicated percentage.	ata kanada 1 a 1 manay 2014 an 17 mahammatan da 1 a 1 mahammatan kinama an da basad	
Compliance Hist	ory	7.0	% Enhancement Sub	totals 2, 3, & 7	\$28
THE RESERVE AND ASSESSMENT OF THE PROPERTY OF		and the first of the second of	ame or similar violations and		
Notes	one NOV with diss	imilar violations as the action.	ose in the current enforcement		
	The state of the s		** After extenditural decrease data Militaria in the Addition of Assert May Sept. A Property of the Addition o		
Culpability	No	U.U	<b>1%</b> Enhancement	Subtotal 4	\$0
Notes	The Respo	ondent does not meet	the culpability criteria.		
Good Faith Effor	t to Comply Total A	diustments		Subtotal 5	\$0
	e ali politi de concentra sant la la la la la la callacar varia à	and Commission and the second and the second and second and second and second and second and second and second	ati andata da da sa a a a a a a a a a a a a a a a	Consideration grade automate in a monta substitute en a	
Economic Benef		0.0	% Enhancement*	Subtotal 6	\$0
Batter in the State of the Control o	Total EB Amounts		ped at the Total EB \$ Amount		ΨΟ
Approx.	Cost of Compliance	\$246		· ·	
SUM OF SUBTOTAL	S 1-7			Final Subtotal	\$428
		jace og energe fallen fallen och heller vor d	Erri 1923 yang dan di kasangan di Malakatabal da Sarana salah 	tri Carria reli 200 (de 10 februari) de Alberta de 10 februarie 1	
OTHER FACTORS A			68.7%	Adjustment	\$294
Reduces or enhances the Final S	ubtotal by the indicated p	ercentage.		٠ .	
Notes	Enhan	cement is due to reco	ver avoided costs.		
			Final Pe	nalty Amount	\$722
NOTE OF THE PROPERTY OF THE PR	anadient				<b>6700</b>
STATUTORY LIMIT A	VDJUSTMENT		Final Ass	essed Penalty	\$722
DEFERRAL			0.0% Reduction	Adjustment	\$0
Reduces the Final Assessed Per	alty by the indicted percer	ntage. (Enter number only;	U 00 0 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		
Notes	Deferral	not offered for non-ex	pedited settlement.		,
		and the second s	and the second s		
<b>PAYABLE PENALTY</b>			소리를 가는 하는 사고 있는 것이 있는 것을 함께 통해 되었다. 이 경기		\$722

Screening Date 9-Jul-2008

Docket No. 2008-1127-PWS-E

PCW

Respondent: Richard Sullivan dba Country View Mobile Home Park

Case ID No. 36172

Reg. Ent. Reference No. RN101278190

Compliance

History

Notes

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Keffer

Policy Revision 2 (September 2002)
PCW Revision June 12, 2008

**Compliance History Worksheet** >> Compliance History Site Enhancement (Subtotal 2) Component Number of... Adjust. Enter Number Here Written NOVs with same or similar violations as those in the current enforcement action 5% 1 NOVs (number of NOVs meeting criteria) Other written NOVs 2% Any agreed final enforcement orders containing a denial of liability (number of orders 0 0% meeting criteria) Orders Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory 0 0% emergency orders issued by the commission Any non-adjudicated final court judgments or consent decrees containing a denial of liability 0 of this state or the federal government (number of judgements or consent decrees meeting 0% Judgments and Consent Any adjudicated final court judgments and default judgments, or non-adjudicated final court Decrees judgments or consent decrees without a denial of liability, of this state or the federal 0 0% Any criminal convictions of this state or the federal government (number of counts) 0: 0% Convictions 0% Chronic excessive emissions events (number of events) 0 **Emissions** Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of 0 0% audits for which notices were submitted) Audits Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege 0 0% Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) Please Enter Yes or No Environmental management systems in place for one year or more No 0% Voluntary on-site compliance assessments conducted by the executive director under a No 0% special assistance program Other Participation in a voluntary pollution reduction program Nö 0% Early compliance with, or offer of a product that meets future state or federal government No 0% environmental requirements Adjustment Percentage (Subtotal 2) >> Repeat Violator (Subtotal 3) N/A Adjustment Percentage (Subtotal 3) >> Compliance History Person Classification (Subtotal 7) N/A 0% Adjustment Percentage (Subtotal 7) >> Compliance History Summary

Enhancement is due to one NOV with same or similar violations and one NOV with dissimilar violations as

those in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7)

Screening Date	9-Jul-2008 <b>Docket No.</b> 2008-1127-PWS-E	∄ PCW :
		Policy Revision 2 (September 2002)
Case ID No.		PCW Revision June 12, 2008
Reg. Ent. Reference No.		
Enf. Coordinator	Public Water Supply Christonher Keffer	
Violation Number	1	
Rule Cite(s)	30 Tex. Admin. Code §§ 290.271(b), 290.274(a) and 290.274(c)	
Violation Description	Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CC each bill paying customer by July 1 of each year and failed to submit a copy of the a CCR and certification that the CCR has been distributed to the customers of the visystem and that the information in the CCR is correct and consistent with complic monitoring data to the TCEQ by July 1 of each year. Specifically, the Respondent of mail or directly deliver the CCRs to the water system's customers for the years 2 through 2006 nor did the Respondent submit the CCR or the required certification TCEQ for the years 2003 through 2006.	annual water ance did not 2003 to the
	Base P	Penalty \$1,000
>> Environmental, Property an	d Human Health Matrix	
	Harm	
Release Actual	Major Moderate Minor	
Potential	Percent 0%	
>>Programmatic Matrix Falsification	Major Moderate Minor	
	Percent 10%	
Matrix Matrix		<del></del>
Notes	100% of the rule requirement was not met.	<u> </u>
	Adjustment	\$900
	VENIEN SOM A WARREN DE EN ANTER EN TOUR EN	
		\$100
Violation Events		75 167 15 15 15 15 15 15 15 15 15 15 15 15 15
Number of Vi	plation Events 4 1095 Number of violation days	
, tallibol of vi		Control of the Contro
mark only one with an x	daily monthly Violation Base P semiannual x single event	Penalty \$400
Four annual	events are recommended for the years in which no CCR or certification of delivery v submitted to the TCEQ.	vas
Tablishes on the state of the s	NAMES AND THE PROPERTY OF THE	M25.000700
Good Faith Efforts to Comply	0.0% Reduction  Before NOV NOV to EDPRP/Settlement Offer	\$0
	Extraordinary Extraordinary	
	Ordinary	
	N/A x (mark with x)	
	Notes The Respondent does not meet the good faith criteria for this violation.	
	Violation Su	ıbtotal \$400
Economic Benefit (EB) for this	violation Statutory Limit Test	
		/ Total \$722
Estimate		
	This violation Final Assessed Penalty (adjusted for	limits) \$722

	3. 海绵的经验证证证证			ar on boarding in such vision on a con-	Service to the second section of the	Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs l	nterest Saved	Onetime Costs	EB Amount
Item Descriptio	n No commas or \$						
entro especioles presentationes de 201, 500	14.44.45 (Text)			er rekert kad	MERKER TOTAL		(15.172). (ZERVZ 815.14.
Delayed Cost	5 (16:30) and distribution (16):	(4 kg, 29770, 24636, 26.	is quantità i di carriero la liggi ficiali I	1 0.00 I	\$0	l \$0 I	\$0
Equipment Buildings				0.00	\$0	\$0 \$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	<b></b>			0.00	\$0 \$0	\$0	\$0 \$0
Land		1		0.00	\$0	Mewon/a	\$0
Record Keeping System		<del>                                     </del>		0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	## www.m/a	\$0
Permit Costs				0.00	\$0	Wathardn/a	\$0
Other (as needed)				0.00	\$0	i wasan/a	\$0
Notes for DELAYED costs						in/a	\$0
Notes for DELAYED costs  Avoided Cost	ANN	NUALIZE [1] avoid	ed costs before e	intering ite	m (except for	pne-time avoided c	\$0
Notes for DELAYED costs  Avoided Cost  Disposal	\$ ANN	NUALIZE [1] avoid	ed costs before e	intering ite	m (except for:	one-time avoided c	\$0 osts) \$0
Notes for DELAYED costs  AVOIDED COST  Disposal  Personnel	ANN	NUALIZE [1] avoid	ed costs before	ntering ite	m (except for \$0 \$0 \$0	one-time avoided c	\$0 osts) \$0 \$0 \$0
Notes for DELAYED costs  AVOIDED COST Disposal Personnel Inspection/Reporting/Sampling	ANN	NUALIZE [1] avoid	ed costs before	ontering ite	m.(except for:( \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0	\$0  osts)  so so \$0 \$0 \$0 \$0
Notes for DELAYED costs  Avoided Cost Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment		NUALIZE [1] avoid	ed costs before e	ntering ite   0.00   0.00   0.00   0.00	m (except for a \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0	\$0 osts) \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs  AVOIDED COST Disposal Personnel Inspection/Reporting/Sampling	\$ ANN	NUALIZE [1] avoid	ed costs before e	ontering ite	m.(except for:( \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0	\$0  osts)  so so \$0 \$0 \$0 \$0

Screening Date 9-Jul-2008  Respondent Richard Sullivan dba Country View Mobile Home Park  Case ID No. 36172  Polic	Rewision 2 (September 2002) PCW Revision June 12, 2008
Reg. Ent. Reference No. RN101278190  Media [Statute] Public Water Supply  Enf. Coordinator Christopher Keffer  Violation Number 2	_
Rule Cite(s)  30 Tex. Admin. Code § 290.51(a)(6)  Failed to pay all annual and late Public Health Service fees for TCEQ Financial Administration Account No. 91520247 for Fiscal Year 2008 to the TCEQ in a timely manner.	
Base Penal	ty \$1,000
>> Environmental, Property and Human Health Matrix  Harm  Release Major Moderate Minor  Actual Potential Percent 0%	
>>Programmatic Matrix  Falsification Major Moderate Milnor  Percent 0%	
Matrix Notes	
Adjustment \$1,00	00
	<u>\$0</u>
Violation Events  Number of Violation Events  Number of violation days	
mark only one quarterly. with an x semiannual. annual single event	ty \$0
All penalties and interest will be determined by the Financial Administration Division at the next billing cycl	e.
Good Faith Efforts to Comply 0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer Extraordinary	\$0
Ordinary	
Notes	
· Violation Subtot	al \$0
Economic Benefit (EB) for this violation Statutory Limit Test	
Estimated EB Amount \$0 Violation Final Penalty Tot  This violation Final Assessed Penalty (adjusted for limits	
	Paragonical California (Section 1997)

\$0

Approx. Cost of Compliance

TOTAL

\$0

# **Compliance History**

Customer	/Respondent/Owner-Operator:	CN600705529	SULLIVAN, RICHA	RD	Classification	า:	Rating:
Regulated	i Entity:	RN101278190	COUNTRY VIEW N	MHP	Classification	1:	Site Rating:
ID Numbe	er(s):	PUBLIC WATER WATER LICENS	SYSTEM/SUPPLY	REGI LICEI	STRATION NSE		1520247 1520247
Location:			ROAD 1540 UNIT 23	, LUBBOCK COL	JNTY, TX		
TCEQ Re	gion:	REGION 02 - LUI	ввоск				
Date Com	pliance History Prepared:	July 08, 2008					
Agency D	ecision Requiring Compliance History:	Enforcement					
Complian	ce Period:	July 08, 2003 to J	July 08, 2008				
TCEQ Sta	aff Member to Contact for Additional Infor	mation Regarding t	his Compliance Histor	y.		· · · *	
Name:	Christopher Keffer	· Ph	one: (512) 239	-5610			
		Site C	ompliance History	Components			
1. Has the	e site been in existence and/or operation	for the full five year	compliance period?	Yes		.•	
2. Has the	ere been a (known) change in ownership	of the site during th	e compliance period?	No.	r		`
3. If Yes,	who is the current owner?			N/A			
4. if Yes,	who was/were the prior owner(s)?			N/A			•
5. When	did the change(s) in ownership occur?			N/A		÷	• -
Compor	nents (Multimedia) for the Site :						
A.	Final Enforcement Orders, court judgen	nents, and consent	decrees of the state of	Texas and the f	ederal government.		
	N/A						
_	A constitution of a second state of the second second	Tawas and the fade	·	*			
B.	Any criminal convictions of the state of N/A	rexas and the leder	rai government				
.C.	Chronic excessive emissions events.						
	N/A						
D.	The approval dates of investigations. (C	CCEDS Inv. Track. N	No.)				
	1 11/23/2004 (340860)						
	2 07/19/2006 (481792) 3 04/15/2007 (644424)						
	4 07/01/2007 (645072)						
	5 02/22/2008 (616790) 6 06/02/2008 (681272)						
E.	Written notices of violations (NOV). (CC	EDS Inv. Track No	<b>)</b>				
	Date: 04/15/2007 (644424		,			v*	
	Self Report? NO	•		Classification:	Moderate		
	- · · · · · · · · · · · · · · · · · · ·	oter 290, SubChapto IITORING/REPORT 2)	,,,,	·		٥	
	Self Report? NO			Classification:	Moderate		
•	Citation: 30 TAC Chap Description: PUBLIC NOT	•	er F 290.122(b)(1)(A)				
F.	Environmental audits. N/A						
G.	Type of environmental management sys	stems (EMSs).					
	N/A						
H.	Voluntary on-site compliance assessme	ent dates.					

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

The same	<u>-</u>	culation Worksheet (F	•	lovinion luno 42, 2008
Policy Revision 2 (Se	otember 2002)		PUVR	evision June 12, 2008
DATES Assigned		Jul-2008   EPA Due 1-Jun-2005	5]	(A)
RESPONDENT/FACILITY Responden	(INFORMATION ∤Richard Sullivan dba Valley Estat	es		
Reg. Ent. Ref. No			1845	• • • •
Facility/Site Region	2-Lubbock	Major/Minor Source	e Minor	
CASE INFORMATION				
Enf./Case ID No	. 36172 . 2008-1127-PWS-E	No. of Violation Order Typ		<u> </u>
	Public Water Supply	Government/Non-Prof		1 1 2 2 2 2 2
Multi-Media			Christopher Keffer	
Admin. Penalty \$	Limit Minimum \$50 Max	imum \$1,000	m Enforcement Tearr	12
	Penalty (	Calculation Section		
TOTAL BASE PENA	LTY (Sum of violation base	penalties)	Subtotal 1	\$400
ADJUSTMENTS (+/-	TO SUBTOTAL 1 ined by multiplying the Total Base Penalty (	Subtotal 1) by the indicated percentage		a transfer and the
Compliance His	ory	7.0% Enhancement Sub	totals 2, 3, & 7	\$28
Notes	one NOV with dissimilar violation	V with same or similar violations and is as those in the current enforcemen action.	<b>t</b>	20 T
Culpability //	No	0.0% Enhancement	Subtotal 4	\$0
Notes		ot meet the culpability criteria.	200 The shown amore communication of the state of the sta	
Good Faith Effo	rt to Comply Total Adjustments		Subtotal 5	\$0
Economic Bene Approx	Total EB Amounts \$325 Cost of Compliance \$272	0.0% Enhancement* *Capped at the Total EB \$ Amount	Subtotal 6	\$0
SUM OF SUBTOTAL	S 1-7		Final Subtotal	\$428
	S JUSTICE MAY REQUIRE Subtotal by the indicated percentage.	75.9%	Adjustment	\$325
Notes	Enhancement is due	to recover avoided costs.		
		Final Pe	enalty Amount	\$753
STATUTORY LIMIT	ADJUSTMENT	Final Ass	essed Penalty	\$753
DEFERRAL Reduces the Final Assessed Pe	nalty by the indicted percentage. (Enter nun	0.0% Reduction .nber only; e.g. 20 for 20% reduction.)	Adjustment	\$0
Notes	Deferral not offered fo	r non-expedited settlement.		
PAYABLE PENALTY				\$753

Screening Date 9-Jul-2008

# Docket No. 2008-1127-PWS-E

PCW

Respondent Richard Sullivan dba Valley Estates

Case ID No. 36172

Notes

Reg. Ent. Reference No. RN101278018

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Keffer

Policy Revision 2 (September 2002) PCW Revision June 12, 2008

	/ Site Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust.	
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%	
1.0	Other written NOVs	1	2%	
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%	
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denia of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%	
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)		0%	
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final cour judgments or consent decrees without a denial of liability, of this state or the federa government		0%	
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0 /	0%	
Emissions	Chronic excessive emissions events (number of events)	0	0%	
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%	
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%	
	Plea	se Enter Yes or No		
	Environmental management systems in place for one year or more	No	0%	
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
Oulei	Participation in a voluntary pollution reduction program	No	0%	
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No No	0%	
	Adjustment F	Percentage (S	ubtotal 2)	79
epeat Violator (Su	btotal 3)			
N/A	Adjustment F	Percentage (S	ubtotal 3) 🗌	09
ompliance History	Person Classification (Subtotal 7)			
N//	Adjustment F	Percentage (S	ubtotal 7)	09
ompliance History	, Summary			
Compliance	Enhancement is due to one NOV with same or similar violations and one NOV with dissimilar		]	

Total Adjustment Percentage (Subtotals 2, 3, & 7)

Screening Date	9-Jul-2008 <b>Docket No.</b> 2008-1127-PWS-E	#RGW
	Richard Sullivan dba Valley Estates	Policy Revision 2 (September 2002)
Case ID No. Reg. Ent. Reference No.		PCW Revision June 12, 2008
	Public Water Supply	•
Enf. Coordinator		
Violation Number	. 1	- Marian
Rule Cite(s)	30 Tex. Admin. Code §§ 290.271(b), 290.274(a) and 290.274(c)	
Violation Description	Failed to mail or directly deliver one copy of the Consumer Confidence Repo each bill paying customer by July 1 of each year and failed to submit a copy CCR and certification that the CCR has been distributed to the customers of system and that the information in the CCR is correct and consistent with of monitoring data to the TCEQ by July 1. of each year. Specifically, the Responsail or directly deliver the CCRs to the water system's customers for the y through 2006 nor did the Respondent submit the CCR or the required certification.	of the annual of the water compliance ndent did not ears 2003
	· E	Base Penalty \$1,000
>> Environmental, Property ar	nd Human Health Matrix	
	Harm	
Release OR Actual		
Potential		6
>>Programmatic Matrix		
Falsification	Major Moderate Minor  x Percent 109	6
		<u> </u>
Matrix Notes	100% of the rule requirement was not met.	
	Adjustment	\$900]
		\$100
Violation Events		
353 Elizando (India de Lor, I para 1904 de 2004 de 2004 de 100 de 11 e 100 (II) de 100		The state of the s
Number of V	iolation Events 4 1095 Number of violation of	lays
mark only one with an x	daily monthly quarterly semiannual annual single event	ase Penalty \$400
Four annua	events are recommended for the years in which no CCR or certification of del submitted to the TCEQ.	ivery was
Good Faith Efforts to Comply	0.0% Reduction	\$0
	Before NOV NOV to EDPRP/Settlement Offer Extraordinary	
	Ordinary	
	N/A x (mark with x)	
	Notes The Respondent does not meet the good faith criteria for this violation.	
	<u> </u>	en Subtatal
		on Subtotal \$400
Economic Benefit (EB) for this  Estimate		
	d EB Amount \$325 Violation Final P	enalty Total \$753
	d EB Amount \$325 Violation Final P  This violation Final Assessed Penalty (adjuste	

Violation No.	Item Cost					Percent Interest	Depreciation
Item Description	SKRIPTARKET CELA					5.0	15
Item Description		Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/at L	\$0
Record Keeping System		ļ		0.00	\$0	n/in/a	\$0
Training/Sampling				0.00	\$0	n/a / / n/a	\$0
Remediation/Disposal				0.00	\$0 \$0	suz win/a	\$0 \$0
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Other (as needed)				0.00	\$0	Mn/a	\$0
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A SECTION OF THE PERSON OF THE			0.0%	Reduction				тичник Г	\$0
Good Faith Effort	s to Comply		Before NOV		P/Settlement Of	fer			
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Economic Benefi	t (EB) for this	violation 🕌	Pari (Sá)			Statuto	ry Limit Tes	it.	
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				i his violati	ion Final Ass	essed Pena	Ity (adjusted f	or limits)[	\$0 %-pc-4,1-143, 14-7 (4-284) (2-34-34)

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Equipment				0.00	\$0	\$0	\$0
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Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/at //	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
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# **Compliance History**

Custome	er/Respondent/Owner-Operator:	CN600705529	SULLIVAN, RICHA	\RD	Classification	on:	Rating:
Regulated Entity:  ID Number(s):		RN101278018 VALLEY EST		S	Classification:		Site Rating:
		PUBLIC WATER SYSTEM/SUPPLY WATER LICENSING		REGISTRATION LICENSE		1520198 1520198	
Location:			AVE, LUBBOCK COU				
TCEQ Region:		REGION 02 - LUBBOCK					
Date Compliance History Prepared:		July 08, 2008					
Agency Decision Requiring Compliance History: Compliance Period:		Enforcement July 08, 2003 to July 08, 2008					
							TCEQ S
Name:	Christopher Keffer	Ph	one: (512) 239	9-5610			
		Site C	ompliance History	/ Components			
1 Has th	ne site been in existence and/or operation			Yes		9	
	nere been a (known) change in ownership	-					
	•						
	, who is the current owner?			N/A			
4. If Yes	, who was/were the prior owner(s)?			N/A	-		
5. When	did the change(s) in ownership occur?			N/A		₹ <sub>n</sub> +	
Compo	nents (Multimedia) for the Site :						
A.	Final Enforcement Orders, court judger	ments, and consent	decrees of the state o	f Texas and the f	ederal government.		
	N/A						
В.	Any criminal convictions of the state of	l exas and the fede	rai government.				
C.	N/A Chronic excessive emissions events.						
0.	N/A						
D.	The approval dates of investigations. (0	CEDS Inv. Track N	do )	***			
D.	1 10/14/2003 (251033)	SOLEO IIIV. TIGGK. 1	10.7		·		
	<sup>2</sup> 11/23/2004 (340859)						
	3 05/31/2005 (392463) 4 07/19/2006 (481790)						
	5 09/26/2006 (485428)						
	6 04/15/2007 (644423) 7 07/01/2007 (645071)						
	7 07/01/2007 (645071) 8 02/22/2008 (616797)						
	9 06/02/2008 (681266)						
E.	Written notices of violations (NOV). (CC	CEDS Inv. Track. No	o.)				
	Date: 04/15/2007 (644423	3)					
	Self Report? NO		F 000 400/5/4)	Classification:	Moderate.		
		pter 290, SubChapt NITORING/REPORT 1)					
	Self Report? NO	•		Classification:	Moderate		
	Citation: 30 TAC Cha Description: PUBLIC NO		er F 290.122(b)(1)(A)				
F.	Environmental audits. N/A						
G.	Type of environmental management sy	stems (EMSs).					

CH 2

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE		
ENFORCEMENT ACTION	· §			
CONCERNING	§	TEXAS COMMISSION ON		
RICHARD SULLIVAN DBA	§			
COUNTRY VIEW MOBILE HOME	§	ENVIRONMENTAL QUALITY		
PARK AND	§	y		
RICHARD SULLIVAN DBA	VALLEY ESTATES			
RN101278190 AND RN101278018				

# DEFAULT ORDER DOCKET NO. 2008-1127-PWS-E

At its \_\_\_\_\_\_ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to Tex. Health & Safety Code ch. 341 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Richard Sullivan dba Country View Mobile Home Park and Richard Sullivan dba Valley Estates ("Mr. Sullivan").

The Commission makes the following Findings of Fact and Conclusions of Law:

# FINDINGS OF FACT

- 1. Mr. Sullivan owns and operates the following public water supply facilities ("the Facilities"):
  - a. Country View Mobile Home Park (RN101278190), located at 7506 North County Road 1540 Unit 23 in Lubbock County, Texas that has approximately 23 service connections ("Facility No. 1"); and
  - b. Valley Estates (RN101278018), located at 7400 North Venita Avenue in Lubbock County, Texas that has approximately 36 service connections ("Facility No. 2").
- 2. The Facilities serve at least 25 people per day for at least 60 days per year and provide water for human consumption. As such, the Facilities are public water systems as defined in 30 Tex. Admin Code § 290.38(63).
- During a records review conducted on February 18, 2008, a TCEQ Staff documented that Mr. Sullivan violated the following requirements at Facility No. 1:

- a. Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year. Specifically, Mr. Sullivan did not mail or directly deliver the CCRs to the water system's customers for the years 2003 through 2006 nor did Mr. Sullivan submit the CCR or the required certification to the TCEQ for the years 2003 through 2006.
- b. Failed to pay all annual and late Public Health Service ("PHS") fees for TCEQ Financial Administration Account No. 91520247 for Fiscal Year 2008 to the TCEQ in a timely manner.
- 4. During records review conducted on February 18, 2008 and July 9, 2008, a TCEQ Staff documented that Mr. Sullivan violated the following requirements at Facility No. 2:
  - a. Failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 of each year and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year. Specifically, Mr. Sullivan did not mail or directly deliver the CCRs to the water system's customers for the years 2003 through 2006 nor did Mr. Sullivan submit the CCR or the required certification to the TCEQ for the years 2003 through 2006.
  - b. Failed to pay all annual and late Public Health Service fees for TCEQ Financial Administration Account No. 91520198 for Fiscal Year 2008 to the TCEQ in a timely manner.
- 5. Mr. Sullivan received notice of the violations on or about June 3, 2008.
- 6. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Richard Sullivan dba Country View Mobile Home Park and Richard Sullivan dba Valley Estates" (the "EDPRP") in the TCEQ Chief Clerk's office on December 11, 2008.
- 7. By letter dated December 11, 2008, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mr. Sullivan with notice of

- the EDPRP. According to the return receipt "green card", Mr. Sullivan received notice of the EDPRP on December 15, 2008, as evidenced by the signature on the card.
- 8. More than 20 days have elapsed since Mr. Sullivan received notice of the EDPRP, provided by the Executive Director. Mr. Sullivan failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

## CONCLUSIONS OF LAW

- 1. As evidenced by Finding of Fact Nos. 1 and 2, Mr. Sullivan is subject to the jurisdiction of the TCEQ pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Commission.
- 2. As evidenced by Finding of Fact Nos. 3.a. and 4.a., at Facility No. 1 and Facility No. 2, Mr. Sullivan failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 of each year and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year, in violation of 30 Tex. ADMIN. CODE §§ 290.271(b), 290.274(a) and (c).
- As evidenced by Finding of Fact No. 3.b. and 4.b., at Facility No. 1 and Facility No. 2, Mr. Sullivan failed to pay all annual and late PHS fees for TCEQ Financial Administration Account Nos. 91520247 and 91520198 for Fiscal Year 2008 to the TCEQ in a timely manner, in violation of 30 Tex. ADMIN. CODE § 290.51(a)(6).
- 4. As evidenced by Finding of Fact Nos. 6 and 7, the Executive Director timely served Mr. Sullivan with proper notice of the EDPRP, as required by Tex. WATER CODE § 7.055 and 30 Tex. Admin. Code § 70.104(a).
- 5. As evidenced by Finding of Fact No. 8, Mr. Sullivan has failed to file a timely answer to the EDPRP, as required by Tex. Health & Safety Code § 341.049 and 30 Tex. Admin. Code § 70.105. Pursuant to Tex. Health & Safety Code § 341.049 and 30 Tex. Admin. Code § 70.106, the Commission may enter a Default Order against Mr. Sullivan and assess the penalty recommended by the Executive Director.
- 6. Pursuant to Tex. Health & Safety Code § 341.049, the Commission has the authority to assess an administrative penalty against Mr. Sullivan for violations of the Texas Health & Safety Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

- 7. An administrative penalty in the amount of one thousand four hundred seventy-five dollars (\$1,475.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in Tex. Health & Safety Code § 341.049.
- 8. Tex. Water Code §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

# ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Mr. Sullivan is assessed an administrative penalty in the amount of one thousand four hundred seventy-five dollars (\$1,475.00) for violations of state statutes and TCEQ rules. The payment of this administrative penalty and Mr. Sullivan's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality". The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Richard Sullivan dba Country View Mobile Home Park and Richard Sullivan dba Valley Estates; Docket No. 2008-1127-PWS-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. Mr. Sullivan shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order Mr. Sullivan shall:
    - i. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2007 to each bill paying customer of Facility No. 1 and Facility No. 2, and make a good faith effort to deliver to non-bill paying consumers of Facility No. 1 and Facility No. 2, as required by 30 Tex. ADMIN. CODE §§ 290.271 and 290.274; and

ii. Pay all outstanding fees, including any associated penalties and interest for Financial Administration Account Nos. 91520247 and 91520198, as required by 30 Tex. ADMIN. CODE § 290.51. The payment shall include the notation "Re: Richard Sullivan dba Country View Mobile Home Park and Richard Sullivan dba Valley Estates Account Nos. 91520247 and 91520198" and shall be mailed to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

b. Within 45 days after the effective date of this Order, Mr. Sullivan shall submit to the Commission a copy of the CCR provided to customers of the water system and the certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with the compliance monitoring data, as required by 30 Tex. Admin. Code § 290.274. The copy of the CCR and certification shall be mailed to:

Public Drinking Water Section
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

c. Within 60 days after the effective date of this Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a and 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- 3. All relief not expressly granted in this Order is denied.
- 4. The provisions of this Order shall apply to and be binding upon Mr. Sullivan. Mr. Sullivan is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
- The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Sullivan shall be made in writing to the Executive Director. Extensions are not effective until Mr. Sullivan receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Mr. Sullivan if the Executive Director determines that Mr. Sullivan has not complied with one or more of the terms or conditions in this Order.
- 7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
- 8. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 Tex. ADMIN. CODE § 70.106(d) and Tex. Gov't Code § 2001.144.

Richard Sullivan dba Country View Mobile Home Park and Richard Sullivan dba Valley Estates DOCKET NO. 2008-1127-PWS-E Page 7

# SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

# AFFIDAVIT OF LAURENCIA N. FASOYIRO

STATE OF TEXAS §

COUNTY OF HARRIS §

"My name is Laurencia N. Fasoyiro. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, I filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Richard Sullivan dba Country View Mobile Home Park and Richard Sullivan dba Valley Estates" (the "EDPRP") was filed with the Office of the Chief Clerk on December 11, 2008.

I sent the EDPRP to Mr. Sullivan at its last known address on December 11, 2008 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card", Mr. Sullivan received notice of the EDPRP on December 15, 2008, as evidenced by the signature on the card.

More than 20 days have elapsed since Mr. Sullivan received notice of the EDPRP. Mr. Sullivan failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference".

Laurencia N. Fasoyiro

Attorney

Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Laurencia N. Fasoyiro, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 12 day of Feb., A.D., 2009.

MARIA E. ORTEGA
NOTARY PUBLIC
tamp state of texas
Ny Comm. Exp. 04-21-2010

Notary Signature